

Imale



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: PALMER=1

In re Application of:)	Conf. No.: 1756
)	
Stephen PALMER, et al)	Art Unit: 1653
)	
Appln. No.: 10/014,812)	Examiner: S. W. Liu
)	
Filed: December 14, 2001)	Washington, D.C.
)	
For: METHOD OF INDUCING)	March 19, 2004
OVULATION)	
)	
Confirmation No.: 1664)	

RESPONSE

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, **Mail Stop Non-Fee Amendment**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Sir:

This communication is responsive to the Office Action of February 20, 2004, primarily in the nature of a written restriction requirement.

The examiner requires restriction to one of nine different inventions identified as Groups I-IX and set forth on pages 2-3 of the Office Action of February 20, 2004.

The examiner further requires an additional election, which is not held to be an election of species but rather an additional election under 35 U.S.C. §121, of a single ovulation induction agent to which the claims are restricted.

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Reply to Office Action of February 20, 2004

Applicants elect without traverse Group I, claims 1-6 and 28-30, drawn to a method of ovulation induction in a female host comprising administering to said host a non-polypeptide cAMP modulator. Applicants further elect with traverse the ovulation induction agent Piclamilast. The elected claims readable on Piclamilast are claims 1-6 and 28.

Traversal of the election of a single ovulation induction agent is based on the specific ovulation induction agents recited in claims 28-30 all being phosphodiesterase inhibitors. It should be pointed out that the elected claims are not product claims where there must be structural similarity but rather are directed to a method of ovulation induction where the administered cAMP level modulator is simply a phosphodiesterase inhibitor. There is no requirement that the phosphodiesterase inhibitor be structurally similar in a method of use claim because the crux of the invention is the use of a non-polypeptide cAMP level modulator which is more particularly a phosphodiesterase inhibitor. Method claims should not be restricted to structurally related compounds but rather should be allowed to encompass a class of compounds, i.e., phosphodiesterase inhibitors, that applicants have discovered for use in the present method for inducing ovulation.

Withdrawal of the requirement for election of a single ovulation induction agent is respectfully requested.

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Favorable consideration and early allowance are
earnestly solicited.

Respectfully submitted,

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By



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